DANIEL G. BOGDEN United States Attorney District of Nevada STEVEN W. MYHRE First Assistant United States Attorney 3 333 Las Vegas Boulevard South Suite 5000 Las Vegas, Nevada 89101 4 702-388-6336 Fax: 702-388-6296 5 6 UNITED STATES DISTRICT COURT 7 DISTRICT OF NEVADA 8 9 Case No.: 2:15-mj-522-NJK UNITED STATES OF AMERICA, 10 STIPULATION TO CONTINUE Plaintiff, PRELIMINARY HEARING 11 vs. (Fourth Request) 12 TYRONE PAUL PONTHIEUX, 13 Defendant. 14 IT IS HEREBY STIPULATED AND AGREED, by and between the United 15 States, by and through Daniel G. Bogden, United States Attorney, and Steven W. 16 Myhre, Assistant United States Attorney, and Defendant Tyrone Pontheiux, by and 17 through his counsel, William H. Gamage, Esq., that the Preliminary Hearing in this 18 matter currently scheduled for September 21, 2015, at the hour of 4:00 p.m., be 19 vacated and continued for at least twenty-one (21) days, or to a date thereafter 20 convenient to the Court. 21 22 The parties stipulate as follows: 23 The parties are engaged in plea negotiations and require additional time 1.

to attempt to resolve the case short of indictment or a preliminary hearing. In

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connection with these negotiations, defense counsel requires additional time to review discovery produced in the case.

- 2. The defendant is incarcerated and does not object to the continuance.
- 3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the government and the defendant sufficient time to attempt to resolve this matter.
- 4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly review discovery and complete negotiations, taking into account the exercise of due diligence.
- 5. Denial of this request for continuance could result in a miscarriage of justice.
- 6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).
- 7. This is the fourth request for a continuance of the preliminary hearing in this matter.

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WHEREFORE, the parties respectfully request that the Court accept this Stipulation and enter an Order, vacating the current Preliminary Hearing setting of September 21, 2015, and continuing it to a date twenty-one (21) days or more thereafter, at a date and time convenient to the Court. Respectfully submitted, DANIEL G. BOGDEN United States Attorney /s/ William H. Gamage /s/ Steven W. Myhre STEVEN W. MYHRE WILLIAM H. GAMAGE, ESQ. First Assistant United States Attorney Counsel for Defendant Tyrone Ponthieux Dated: September 15, 2015 

## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRONE PAUL PONTHIEUX,

Defendant.

Case No.: 2:15-mj-522-NJK

ORDER TO CONTINUE
PRELIMINARY HEARING

)

Defendant.

This matter coming on the parties' Stipulation to Continue Preliminary hearing, the premises therein considered, and good cause showing, the Court finds as follows:

- 1. The parties are engaged in plea negotiations. The defendant requires additional time to review discovery and attempt to resolve the case short of indictment or a preliminary hearing.
  - 2. The defendant is incarcerated and does not object to the continuance.
- 3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the government and the defendant sufficient time to attempt to resolve this matter.
- 4. Denial of this request for continuance would deny counsel for the defendant sufficient time to effectively and thoroughly review discovery and complete negotiations, taking into account the exercise of due diligence.

- 5. Denial of this request for continuance could result in a miscarriage of justice.
- 6. The additional time requested by the parties' Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

## It is therefore **ORDERED**:

- 1. The Preliminary Hearing currently set for September 21, 2015, at 4:00 p.m., is vacated and continued to October 26, 2015, at 4:00 p.m. in Courtroom 3D.
- 2. All time from the entry of this Order until the scheduled Preliminary Hearing is excluded from the Speed Trial Act under 18 U.S.C. § 3161(h)(7)(A) as the ends of justice outweigh the interest of the public and the defendant in a speedy trial, the Court having considered the factors delineated in 18 U.S.C. § 3161(h)(7)(B).

IT IS SO ORDERED, this 15th day of September, 2015.

NANCY J. KOPPE

United States Magistrate Judge